REMARKS

The Official Action mailed October 14, 2009, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on September 22, 2006, and February 15, 2007.

Claims 8, 9 and 11 are pending in the present application, all of which are independent. Claims 8, 9 and 11 have been amended to correct minor informalities and better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 4 of the Official Action rejects claims 8, 9 and 11 as obvious based on the combination of U.S. Publication No. 2003/0027554 to Haumont and U.S. Publication No. 2006/0008066 to Starling. The Applicant respectfully traverses the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the

art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims. Independent claims 8, 9 and 11 recite that it is decided whether two pieces of service class data coincide with each other and means for instructing a terminal device service stop instruction data which instructs the terminal device to stop providing the service, if those two pieces of service class data do not coincide with each other. The present invention relates to a service class control system comprising a plurality of wireless terminal devices (for providing services in respective predetermined ranges) and a service class control server (connected to the plurality of wireless terminal devices for communication), and it is characterized in having the function that the service control server monitors service class data (designating a service range) stored in each of the wireless terminal devices to present the service class data stored in the wireless terminal device from being unduly rewritten by any non-entitled person. Each of the wireless terminal devices of the system of the present invention provides a specific service (i.e., a service provider). For the reasons provided below, Haumont and Starling, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

With respect to Figures 4 and 5, Haumont discloses the following (paragraph [0064]):

> The mobile station MS sends message 5-1 to the WAP server, which indicates that the user of the mobile station wants to deposit money in the account of the subscription. The depositing service needs authenticated access so that the operator can be sure who is depositing (and in group prepaid subscriptions it is also checked whether he has the right to deposit) and the one depositing can not deny this money adding.
> ...

Also with respect to Figures 4 and 5, Haumont discloses the following (paragraph [0056]):

In response to the message 4-10 the WAP server sends message 4-12 to the mobile station MS. Message 4-12 contains information about free services, such as the possibility of depositing money in the account, possibility of changing prepaid subscriptions to postpaid subscription, and other services offered by the partners to the end users as free of charge services.

The present invention and Haumont's invention are fundamentally different from each other, in both structure and operation. Indeed, the Official Action concedes that "Haumont differs from the claimed invention in not specifically defining that whether these two pieces of service class data coincide with each other; and means for instructing to the terminal device service stop instruction data which instructs the terminal device to stop providing the service" (page 5, Paper No. 20090911). Citing Figure 1 and paragraph [0026] of Starling, the Official Action asserts that Starling cures the deficiencies in Haumont (pages 5-6, Id.). The Applicant respectfully disagrees and traverses the assertions in the Official Action.

The Official Action fails to set forth an element-by-element analysis of the present claims with respect to the above-referenced features. For example, it is not clear what elements of Starling correspond with the claimed "two pieces of service class data." Rather, Starling appears to be directed to a system where a user initiates activation of a toll-free number and specifically discloses the following: "a customer/caller who is interested in receiving [self-provisioning service (SPS)] services calls the SPS access number found in the invitation" (paragraph [0026]). However, Starling does not teach or suggest that it is decided whether two pieces of service class data coincide with each other and means for instructing a terminal device service stop instruction data which instructs the terminal device to stop providing the service, if those two pieces of service class data do not coincide with each other.

Therefore, the Applicant respectfully submits that Haumont and Starling, either alone or in combination, do not teach or suggest the features of the present independent claims.

Since Haumont and Starling do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Respectfully submitted,

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